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| 09/747,332 | 12/22/2000 | Kenneth L. Davis | 109869-130070 | 1296 |

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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 09/747,332
Filing Date: December 22, 2000
Appellant(s): DAVIS, KENNETH L.

Brenda Leeds Binder
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/10/05 appealing from the Office action mailed 2/9/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| 5,526,478 | RUSSELL | 6-1996 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-13 and 15-22 are rejected under 35 U.S.C. 1O2(b) as being clearly anticipated by U. S. Patent No. 5,526,478 (Russell, Jr. et al.), herein referred to as Russell.

Referring to claims 1 and 11, Russell discloses a method for detecting a pointer in proximity of a geometry piece of a computer aided design having multimedia associated with the geometry piece of the computer aided design with the cursor separate and movable relative to the computer design, wherein as clearly seen in Figure 4A (reference number 40 and 41) that the geometry piece associated with the multimedia belongs in a computer aided design (column 2, lines 37-39 and lines 44-45 and column 8, lines 1-15). Russell discloses determining in response to detecting the cursor in proximity of the geometry piece, whether multimedia is associated with the geometry piece of the computer aided design (column 12, lines 14-22), wherein there is a determination process involving determining if a multimedia link exists with a distinct geometry of a computer aided design to which a cursor is pointing. Russell also discloses that in response to positive determination that a multimedia is linked with geometry of the computer aided design automatically generating an icon, in this case represented as the markers, with these icons or markers being associated with the geometry piece of the mechanical design for accessing the associated multimedia

(column 2, lines 42-45 and reference number 42, Figure 4A), wherein it is clear that a geometry piece without a multimedia link when activated would not invoke a marker icon to represent the existence of a multimedia item. See column 8, lines 45-50 and column 12, lines 1-30. Russell discloses the step of determining if a activation of a pointer is needed, wherein this determining process would be clearly carried out before the activation and further display of the marker or icon would occur, with step 178 determining and returning to step 172 to carry out icon display if a functionality is to be carried out (Figure 10).

Referring to claims 2 and 12, Russell discloses generating the icon comprising automatically generating a leader line entity from the geometry piece (reference number 42, Figure 4A).

Referring to claims 3 and 13, Russell discloses automatically generating the icon at an end of the leader line entity opposite the geometry piece, as seen by the relation of the reference numbers 4 1 and 42, to each other in Figure 4A.

Referring to claims 5 and 15, Russell discloses the marker including a means for linking to an application to execute the multimedia (column 8, lines 14- 16).

Referring to claims 6, 16 and 22, Russell discloses determining if a request to associate multimedia with the geometry piece is received, as shown by step 154 on Figure 9, wherein this step determines if an association should be made between a multimedia file and a geometry piece (column 11, lines 28-29). Russell then goes to disclose facilitation association between the multimedia and the geometry piece upon determining the request to associate the multimedia with the geometry piece is received

(column 11, lines 31-33). Russell discloses then selecting a type of multimedia to be associated with the geometry piece and wherein the markers or icons generated would then be associated or linked with the geometry piece for accessing the associated multimedia (column 11, lines 36-42).

Referring to claims 7 and 17, Russell discloses that receiving the request involves receiving a cursor selection on the geometry piece (column 11, lines 20-22).

Referring to claims 8 and 18, Russell discloses displaying a menu for selection of a type of multimedia to be associated with the geometry piece as shown by reference number 53-55 in Figure 4B, wherein the "Attach" option under each of these types would associate the media type with the selected geometry piece.

Referring to claims 9 and 19, Russell discloses that the types of multimedia comprises receiving the selection of at least one of an audio note, a textual note and an animation note, as shown by reference number 53-55 in Figure 48 and the "Label 1" shown in Figure 5.

Referring to claims 10 and 20, Russell discloses the leader line entity, represented as reference number 41 of Figure 4A, being input by the user (column 11, lines 19-22).

Referring to claim 21, Russell discloses a method for detecting a pointer in proximity of a geometry piece of a computer aided design-having multimedia associated with the geometry piece of the computer aided design with the cursor separate and movable relative to the computer design wherein as clearly seen in Figure 4A (reference number 40) that the geometry piece associated with the multimedia belongs in a computer aided design (column 2, lines 37-39 and lines 44-45 and column 8, lines 1-

15). Russell discloses determining in response to detecting the cursor in proximity of the geometry piece, whether multimedia is associated with the geometry piece of the computer aided design (column12, lines 14-22), where a link exists with a distinct geometry of a computer-aided design to which a cursor is pointing. Russell also discloses in response to positive determination when a multimedia is linked with a geometry of the computer aided design automatically generating an icon, in this case represented as the markers, with these icons or markers being associated with the geometry's piece of the mechanical design for accessing the associated multimedia (column 2, lines 42-45 and reference number 42, Figure 4A). Russell discloses processor coupled to the machine accessible medium to execute the instructions for carrying out the invention, as disclosed (column 4, lines 25-35), wherein it is clear that a geometry piece without a multimedia link when activated would not invoke a marker icon to represent the existence of a multimedia item. See column 8, lines 45-50. Russell discloses the step of determining if a activation of a pointer is needed, wherein this determining process would be clearly carried out before the activation and further display of the marker or icon would occur, with step 178 determining and returning to step 172 to carry out icon display if a functionality is to be carried out (Figure 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell.

Referring to claims 4 and 14, Russell does not disclose that the icon would be generated based on the type of multimedia associated with the geometry piece. Russell does disclose that the shapes of these markers or icons could take any form. It would have been obvious for one skilled in the art, at the time of the invention to generate icons corresponding to the type of multimedia associated with the geometry piece. Russell clearly discloses that the types that the icons are represented by can take any form, hence suggesting a shape that is more indicative of the type of media being represented. It would also be more convenient and cause less confusion for the users to determine the type of media that is associated with the geometry by merely looking at the marker or icon at the end of the line. can determine the type of media being represented, thereby providing motivation for such an icon representation to be used. One skilled in the art would have been motivated at the time of the invention to generate icons corresponding to the type of multimedia associated with the geometry piece. This way the user without accessing the file can determine the type of media being represented, thereby providing motivation for such an icon representation to be used. One skilled in the art would have been motivated at the time of the invention to generate icons corresponding to the type of multimedia associated with the geometry piece.

**(10) Response to Argument**

**a. Claims 1-22 is properly rejected as being anticipated by or obvious over Russell.**

The pointer of Russell is separate from and moveable relative to the computer aided design. Applicant's arguments rely on teachings of the pointer's status once the pointer is ***set***. Russell teaches giving the user the ability to move the pointer, wherein this ability to move and place the pointer relative to a distinct part of the computer aided design shows that the pointer is separate and moveable relative to the computer aided design (column 11, lines 20-25). At the time of detecting the cursor, Russell teaches placement of the pointer with respect to the 3-D model/computer aided design. Russell further teaches positioning the pointer to point at a surface area of interest of the model, wherein all these references teach that the pointer is placed in a proximity to the model and is not part of the model. Russell by allowing placing of the pointer with respect to the model shows allowing for the pointer to be movable relative to the model, where placing the pointer relative to the model is representative of the pointer being movable relative to the model. The orientating of the pointer to a desired angle with respect to the model also teaches the pointer being movable relative to the model. See column 11, lines 20-26.

Russell does disclose determining whether multimedia is associated with a geometry piece in response to detecting a cursor in the proximity of the geometry piece. Russell discloses the steps of placing the pointer at a desired surface, orienting the pointer at angle, and once this desired placement of the pointer has reached, then a step of determining the multimedia that is associated with the geometry piece where the

pointer has been placed within proximity to a geometry piece. Inspection of Figure 9, along with its description in column 11 teaches that steps 152-155 rely on first placing the pointer at a desired location of the model, and this flowchart shows a step by step process, wherein directing that once steps 152-155 have been carried out until the pointer has been placed at desired location, then the flow chart moves on to step 156, where determination is made for whether multimedia is associated with a geometry piece. Column 11, lines 31-33 clearly teach a step of determining the multimedia is associated with a geometry piece. Figure 4A shows such an example of the pointer within proximity of a distinct geometry piece of the model.

Russell teaches that multimedia function is linked to the geometry piece. Russell has clearly pointed out that the objective of the invention is to annotate the 3-D model or computer aided design with multimedia functions. Russell has also clearly taught that the pointers used are means for annotating this model and not that the pointers themselves are annotated with the multimedia functions (column 1, lines 10-12). Russell also teaches associating multimedia function with the geometric figure or computer aided design including the geometry pieces of the geometric figure, wherein the pointer is means through which the association is done and is not directly linked to the multimedia function (column 2, lines 35-38).

Applicants argue in reference to the second feature disclosed in the independent claims involving determining whether multimedia is associated with a geometry piece that the user can attach a marker to the pointer whether or not multimedia function is linked to the pointer. The role of the markers is not necessarily applicable to the

determination process of associating multimedia with the model. The pointer may be activated thereby displaying a marker, but the second feature of the claims teach placing the pointer in proximity to the geometry piece of a model and determining if multimedia is associated with the geometry piece. Those two process steps have been clearly laid out in the above sections, therefore the role of the markers in this determination process is irrelevant as long as Russell is teaching an ability to place the pointer in proximity to the geometric model and in response determining of an association of the multimedia function with the geometric piece which is what is taught in the present invention's claims.

Russell discloses that the marker or icon is automatically generated in response to positive determination that multimedia is associated with geometry piece. Russell teaches that pointer manipulation may be carried out, but does not disclose that the user is actually responsible for the generation of the icon. Russell teaches that the user places the pointer and activates the pointer during the annotation process (column 12, lines 1-5), wherein during activation an icon is attached to the pointer but not that a user generates the icon. The icon when it is generated is automatically generated, the user is not responsible for generating the icon, even if user may carry out activation inputs, where the pointer is activated but the actual step of displaying the icon is carried out automatically. Russell teaches that positive determination that multimedia is associated with the geometry piece, wherein after the annotation process the user is allowed to access a known annotated model (reference number 171, Figure 10 and column 11, lines 64-67), this knowledge of accessing an annotated model provides the positive

determination that multimedia is associated with the geometry piece. Russell relies on the process of first determining the association of multimedia with geometry model and its geometry pieces. Once this process has been carried out, there is a positive determination that multimedia is associated with the geometry piece, where the user accesses the annotated model, a positive determination clearly being made when it is known that an annotated model with geometry pieces associated with multimedia functions is accessed. In response to this determination, the marker is automatically generated to access the multimedia file, where as the pointer is activated, the icon is automatically generated, and the associated multimedia functions are carried out (reference numbers 172 and 173, Figure 10). Russell has based the invention on first determining the association of the geometry piece with multimedia during the annotation process, then later accessing the annotated model, having a positive determination that multimedia association is present, and displaying an icon wherein after this generation of the icon the multimedia function associated with the geometry piece is carried out. See column 2, lines 35-45.

Russell discloses that the pointer through which the means for annotating or associating multimedia with the geometry piece represents as the cursor of the present invention's claims. Russell does disclose the use of another further cursor (reference number 29, Figure 4A), which can be manipulated to carry out functionalities.

Russell discloses generating a leader line entity from the geometry piece. The marker of Russell has been disclosed as the ball representative of the icon to indicate multimedia that is associated with the geometry model, wherein Russell has clearly

pointed out that the marker is the ball (column 12, lines 3-5). Russell discloses the leader line as the line shown connecting the pointer (reference number 41) and the marker (reference number 42). This leader line is generated when the pointer is activated along with the display of the marker to show the connection between the geometry piece pointed to by the cursor with the marker that is generated. See Figure 4A. Figure 7 further displays various pointers with pointer 41 being a deactivated pointer without a marker or leader line and another pointer 43 that is activated with a marker and a leader line to show the connection between the marker and the geometry piece.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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October 28, 2005

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